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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,877	03/30/2000	Shigeaki Furukawa	10873.515US01	8934
23552	7590	12/05/2003	EXAMINER LE, KIMLIEN T	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			ART UNIT 2653	PAPER NUMBER 10

DATE MAILED: 12/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/538,877

Applicant(s)

FURUKAWA ET AL.

Examiner

Kimlien T Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 3-7, 13-23, 26-30 and 36-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8-12, 24, 25 and 31-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. Applicant's election of Species D in Paper No. 9 ( claims 1-2, 8-12, 24-25 and 31-35; claims 13 -17 and 36-40 <sup>are</sup> ~~is~~ not included in Figs. 5 and 6 because they include a count-up step) is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). This election is final.
2. Claims 3-7, 13-23, 26-30 and 36-46 are withdrawn from further consideration. Election was made **without** traverse in Paper No.9.
3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

4. The drawings are objected to because the blocks are not labeled with numbers and English words ( See references). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***INFORMATION HOW TO EFFECT DRAWING CHANGES***

#### **a) REPLACEMENT DRAWING SHEETS.**

Drawing changes may be made by presenting replacement figures which incorporate the proposed changes and which comply with 37 CFR § 1.84. An explanation of the changes made must be presented in either in the drawing amendments or remarks section of the amendment.

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Any replacement drawing sheet must be identified in the top margin as “ Replacement Sheet “ and include all of the figures appearing on the immediate prior version of the sheet, even though only one figure may be amended. The figure or figure number of the amended drawing should not be labeled as “amended”

If the changes to the drawing figure(s) are not approved by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor’s name, and application serial number or docket number (if any) if an application serial number has not been assigned to the applicant. If this information is provided, it must be place on the front of each sheet and centered within the top margin.

b) ANNOTATED DRAWING SHEETS.

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the Examiner. The annotated drawing sheet must be clearly labeled as “ Annotated Marked-up Drawings “ and accompany the replacement sheets.

c) TIMING OF CORRECTIONS.

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR §1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice Of Allowability (PTO-37), the new drawings MUST be filed within the *THREE MONTHS* shortened statutory period set for reply in

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the “ NOTICE OF ALLOWABILITY “. Extensions of time may NOT be obtained under the provisions of 37 CFR §1.136 for filing the corrected drawings after the mailing of a NOTICE OF ALLOWABILITY.

*Claim Objections*

5. Claims 1-2, 8-12, 24-25 and 31-35 are objected to because of the following informalities: The titles of the steps in claims are different from these in the specification such as “a test region seek step” in the specification ( line 9, page 25). Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2, 8-12, 24-25 and 31-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki (U.S. Patent 4,989,195).

Regarding claim 1, see Figs. 1, 2 and 3 of Suzuki which show an optical recording/reproducing method for optically recording or reproducing information with respect to an optical recording medium by using an optical recording apparatus, comprising: a loading step of loading the optical recording medium in the optical recording apparatus (Fig. 3 , step S1. See also column 3, lines 50-55); a reproduction power setting step of setting a power of laser light emitted from the optical recording apparatus to the optical recording medium at reproduction power (Fig. 3 , step S2. See also column 3, lines 50-55); a management information reproduction

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step of reproducing management information for managing user information recorded on the optical recording medium with laser light having the reproduction power (Fig. 3 , steps S9-S10. See also column 4, lines 10-20); and a recording learning step of extracting a recording condition suitable for the optical recording medium, wherein the recording learning step is conducted after the management information reproduction step conducted (Fig. 3, step S11-S22. See also column 3, line 53- column 5, line 5).

Regarding claim 2, see Figs. 1, 2 and 3 of Suzuki which show an optical recording/reproducing method according to claim 1, wherein the recording learning step is at least one selected from the group consisting of a recording power learning step of extracting a laser emission power suitable for the optical recording medium, a recording pulse learning step of extracting a recording pulse condition suitable for the optical recording medium, a recording servo learning step of extracting a servo condition suitable for the optical recording medium during recording, a groove parameter learning step of determining a groove parameter of the optical recording medium, and an equalizing amount learning step of determining an equalizing amount with respect to the optical recording medium conducted (Fig. 3, step S9 column 4, lines 12-20).

Regarding claim 24, see Figs. 3 and 4 of Suzuki which show an optical recording apparatus for optically recording or reproducing information with respect to an optical recording medium, comprising: loading means (Fig4, element 1) for loading the optical recording medium; an optical head( inherent) for emitting laser light to the loaded optical recording medium; reproduction power setting means (Fig4, element 7; See also column 4, lines 12-20) for setting a power of the laser light at reproduction power; information reproduction means (Fig4, element 2)

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for reproducing information recorded on the optical recording medium, with laser light having the reproduction power; recording learning means (Fig4, element 2) for extracting a recording condition suitable for the optical recording medium; and control means (Fig4, element 3) for allowing the information reproduction means to reproduce management information for managing user information recorded on the optical recording medium, and then operating the recording learning means.

Regarding claim 25, see Figs. 1, 2 and 3 of Suzuki which show an optical recording apparatus according to claim 24, wherein the recording learning means is at least one selected from the group consisting of recording power learning means for extracting a laser emission power suitable for the optical recording medium, recording pulse learning means for extracting a recording pulse condition suitable for the optical recording medium, recording servo learning means for extracting a servo condition suitable for the optical recording medium during recording, groove parameter learning means for determining a groove parameter of the optical recording medium, and equalizing amount learning means for determining an equalizing amount with respect to the optical recording medium (Fig. 3, step S9 column 4, lines 12-20).

Regarding claims 8 and 31, see Figs. 1, 2 and 3 of Suzuki which show an optical recording/reproducing method for optically recording or reproducing information with respect to an optical recording medium by using an optical recording apparatus, comprising: a loading step of loading the optical recording medium in the optical recording apparatus (Fig. 3, step S1. See also column 3, lines 50-55); a reproduction power setting step of setting a power of laser light emitted from the optical recording apparatus to the optical recording medium at reproduction

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power (Fig. 3 , step S2. See also column 3, lines 50-55); and a recording possibility identifying step of identifying a possibility of recording information on the optical recording medium, based on a recording identifier, wherein, when prohibition of recording is identified in the recording possibility identifying step, a process proceeds to a user information reproduction step of reproducing user information recorded on the optical recording medium with laser light having the reproduction power, or a reproduction standby step of waiting for a request for reproduction of the user information, and when permission of recording is identified in the recording possibility identifying step, a management information reproduction step of reproducing management information for managing user information recorded on the optical recording medium with laser light having the reproduction power, and then a recording learning step of extracting a recording condition suitable for the optical recording medium are conducted (Fig. 3 , step S3-S22. See also column 3, line 53- column 5, line 5).

Regarding claims 9 and 32, see Figs.1, 2 and 3 of Suzuki which show an optical recording/reproducing method according to claim 8, wherein the recording identifier is provided at the optical recording medium (column 3, lines 57-65).

Regarding claims 10 and 33, see Figs.1, 2 and 3 of Suzuki which show an optical recording/reproducing method according to claim 8, wherein the recording identifier is provided at a case accommodating the optical recording medium (column 3, lines 57-65).

Regarding claims 11 and 34, see Figs. 1, 2 and 3 of Suzuki which show an optical recording/reproducing method according to claim 8, wherein the recording identifier includes a first recording identifier provided at the optical recording medium and a second recording

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identifier provided at a case accommodating the optical recording medium (column 3, lines 57-65).

Regarding claims 12 and 35, see Figs. 1, 2 and 3 of Suzuki which show an optical recording/reproducing method according to claim 8, wherein the recording learning step is at least one selected from the group consisting of a recording power learning step of extracting a laser emission power suitable for the optical recording medium, a recording pulse learning step of extracting a recording pulse condition suitable for the optical recording medium, a recording servo learning step of extracting a servo condition suitable for the optical recording medium during recording, a groove parameter learning step of determining a groove parameter of the optical recording medium, and an equalizing amount learning step of determining an equalizing amount with respect to the optical recording medium (Fig. 3 , step S3-S22. See also column 3, line 53- column 5, line 5).

### *Cited References*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references are all related to the optical recording medium apparatus and method.

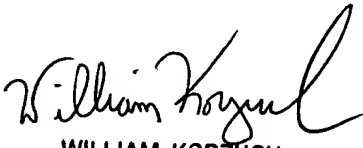
### *Points of Contact*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimlien Le. whose telephone number is 703-305- 3498. The examiner can normally be reached on Monday-Friday from 8A.M to 5 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 703-305-6137. The fax phone number is 703-308-6606

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
WILLIAM KORZUCH  
SUPERVISORY PATENT EXAMINER  
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